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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

DIANA THEODORE,  
Plaintiff,  
v.  
AMERICAN EXPRESS NATIONAL  
BANK,  
Defendant.

) Case No. 3:23-cv-3710-AMO  
)  
) [Assigned to Hon. Araceli Martinez-Olguin]  
)  
) **DECLARATION OF DAVID W. MOON IN  
SUPPORT OF STIPULATION AND  
[PROPOSED] ORDER STAYING  
DISCOVERY**  
)  
)  
)  
)

## DECLARATION OF DAVID W. MOON

I, David W. Moon, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California and am admitted to practice before this Court. I am of Counsel at Steptoe & Johnson LLP, attorneys for defendant American Express National Bank (“American Express”) in this action. I submit this declaration in support of the parties’ Stipulation and [Proposed] Order Staying Discovery. I have personal knowledge of the facts set forth herein, except where based upon my review of the pleadings, papers and records in this action, and, if called as a witness, I could and would competently testify thereto.

2. On July 26, 2023, plaintiff Diana Theodore filed the Class Action Complaint against American Express in the above-captioned matter.

3. On September 22, 2023, American Express filed a motion to compel arbitration and to stay the action (the “Motion to Compel Arbitration”), which is set for hearing on February 29, 2024.

4. In light of the pending Motion to Compel Arbitration, the parties have agreed to stay discovery, including initial disclosures under Federal Rule of Civil Procedure 26(a)(1), pending a ruling on the motion by the Court.

5. Good cause for a stay of discovery exists because, if the Motion to Compel Arbitration is granted, the rights of the parties to conduct discovery (if any) will be governed by the applicable arbitration rules rather than the Federal Rules of Civil Procedure.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 30, 2023

/s/ *David W. Moon*

David W. Moon

**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

/s/ David W. Moon

David W. Moon